



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION

Employment and Social Governance
Social Dialogue

Brussels, 06.05.2021

EMPL.A.2/SM/AH/(2021)3314341

Mr Augusto DIOGO

ask+request-9222-

b31fa16d@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2021/1804

Dear Mr Diogo,

I refer to your request dated 20 March 2021 in which you make a request for access to documents, registered on 22 March 2021 under the above-mentioned reference number.

You request access to all documents related to all meetings between member of the Commission and representatives of BusinessEurope from July 2020 to the present.

On 14 April 2021, you were informed that your request was split as it falls under the responsibility of several Commission services. The request for DG Employment, Social Affairs and Inclusion is registered under the Gestdem reference 2021/1804. On 21 April 2021 you were informed that the time limit for the reply by DG EMPL was extended to 6 May 2021.

Please note that this reply to GESTDEM 2021/1804 relates only to the documents regarding meetings between Commissioner Schmit and representatives of BusinessEurope from July 2020 to the present.

There are three meetings identified:

1. the meeting of the Social Affairs Committee of BusinessEurope on 12 June 2020,
2. the preparatory meeting on the Social Summit with BusinessEurope representatives on 25 January 2021, and
3. the meeting on the European initiative on individual learning accounts (ILAs) with representatives of BusinessEurope on 12 April 2021.

Your application concerns the following documents:

1. Briefing for the videoconference call of Commissioner Schmit with BusinessEurope's Social Affairs committee on the employment and social affairs priorities on 16 June 2020, CAB SCHMIT/220 Ares(2020)3434647 (hereafter 'document 1'),
2. Meeting report BusinessEurope Social Affairs Committee 16 June 2020 Ares(2021)2888100 (hereafter 'document 2')

3. Joint preparatory meeting of Social Summit with BusinessEurope on 25 January 2021, CAB SCHMIT/532, Ares(2021)1303586 (hereafter ‘document 3’)
4. Meeting with BusinessEurope on the European initiative on individual learning accounts (ILAs) on 12 April 2021, CAB SCHMIT/633, Ares(2021)2781004 (hereafter ‘document 4’)
5. Flash report: Two separate meetings with ETUC and BusinessEurope, 12 April 2021, Ares(2021)2788412 (hereafter ‘document 5’)

With regard to the documents 1, 2, 3, 4, 5 listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- other information relating to an identified or identifiable natural person.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Non relevant sections of documents 4 and 5 are redacted as not falling under the scope of your request.

Please note that the documents listed were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Employment, Social Affairs and Inclusion. they solely reflect the services interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission

Secretariat-General

Transparency, Document Management & Access to Documents (SG.C.1)

BERL 7/076

B-1049 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

e-signed
Jörg Tagger
Head of Unit